

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 105429 POSS DUPE
ORIGIN L-03

INFO OCT-01 OES-07 ACDA-07 AF-10 ARA-06 EA-07 EUR-12
NEA-10 DODE-00 PM-04 IO-13 DHA-02 OIC-02 CIAE-00
H-01 INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 DPW-01 ISO-00 /123 R

DRAFTED BY L/OES:RJBETTAUER:MERS
APPROVED BY L/OES - RJBETTAUER
ACDA/GC - MR. GRAHAM (INFO)
ARA/MEX - MR. FALK
DOD/OSD/ISA - MR. NAFTZINGER
-----110345Z 122692 /13
R 092102Z MAY 77
FM SECSTATE WASHDC
TO USMISSION GENEVA
INFO AMEMBASSY MEXICO

LIMITED OFFICIAL USE STATE 105429

GENEVA FOR USDEL INTERNAT'L HUMANITARIAN LAW

E.O. 11652: N/A

TAGS: ICRC, PARM, PFOR

SUBJECT: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANI-
TARIAN LAW

DEPT RECEIVED FOLLOWING NOTE FROM MEXICAN EMBASSY. WE
WOULD APPRECIATE RECEIVING PROPOSED RESPONSE FROM USDEL.

BEGIN TEXT: THE EMBASSY OF MEXICO PRESENTS ITS COMPLI-
MENTS TO THE DEPARTMENT OF STATE AND HAS THE HONOR TO
REFER TO THE AIDE MEMOIRE DATED APRIL 11, 1977 PERSONALLY
DELIVERED BY AN EMBASSY OFFICIAL TO MR. GEORGE H. ALDRICH,
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 105429 POSS DUPE

DEPUTY LEGAL ADVISER OF THE DEPARTMENT OF STATE, REGARDING
THE DIPLOMATIC CONFERENCE ON REAFFIRMATION AND DEVELOPMENT
OF HUMANITARIAN LAW NOW BEING HELD AT GENEVA, SWITZERLAND.

IN THIS REGARD, THE FINAL TEXT OF ARTICLE 86 BIS OF PRO-
TOCOL I OF THE GENEVA CONVENTIONS OF 1949, PROPOSED BY
MEXICO AND TO DATE COSPONSORED BY IRAN, ECUADOR, SPAIN,

HONDURAS, NICARAGUA, GUATEMALA, PHILIPPINES, BOLIVIA,
NIGERIA, AND PANAMA, WOULD READ IN ENGLISH AS FOLLOWS:

PROTOCOL I
ARTICLE 86 BIS

1. A COMMITTEE OF STATES PARTIES TO THIS PROTOCOL SHALL BE ESTABLISHED TO CONSIDER AND ADOPT RECOMMENDATIONS REGARDING ANY PROPOSAL THAT ONE OR MORE STATES PARTIES MAY SUBMIT CONCERNING THE PROHIBITION OR RESTRICTION OF THE USE OF CONVENTIONAL WEAPONS THAT MAY CAUSE SUPERFLUOUS INJURIES OR HAVE INDISCRIMINATE EFFECTS.

2. THE COMMITTEE SHALL BE COMPOSED OF REPRESENTATIVES OF (21) STATES PARTIES, ELECTED FOR THREE YEARS ON THE BASIS OF EQUITABLE GEOGRAPHICAL DISTRIBUTION BY THE STATES PARTIES TO THIS PROTOCOL, BY MEANS OF NOTICES ADDRESSED TO THE DEPOSITORY GOVERNMENT. THE DEPOSITORY GOVERNMENT, IF IT SHOULD CONSIDER IT NECESSARY, MAY CONVENE A MEETING OF THE STATES PARTIES TO ELECT THE MEMBERS OF THE COMMITTEE. THE COMMITTEE SHALL MEET WHENEVER ONE THIRD OF ITS MEMBERS SO REQUEST. IT SHALL ADOPT ITS RECOMMENDATIONS BY MAJORITY AND SHALL ELECT ITS CHAIRMAN.

3. THE INTERNATIONAL COMMITTEE OF THE RED CROSS SHALL PARTICIPATE IN THE WORK OF THE COMMITTEE REFERRED TO IN THIS ARTICLE, AND SHALL PROVIDE THE NECESSARY SECRETARIAL FACILITIES.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 105429 POSS DUPE

4. ON THE BASIS OF THE COMMITTEE'S RECOMMENDATIONS A SPECIAL CONFERENCE MAY BE CONVENED WITH A VIEW TO ADOPT AGREEMENTS THAT IMPLEMENT THE PRINCIPLE THAT THE PARTIES TO THE CONFLICT DO NOT HAVE AN UNLIMITED RIGHT OF CHOICE OF MEANS OF COMBAT.

IN ADDITION, THE ARTICLE PROPOSED BY THE MEXICAN GOVERNMENT HAS THE SUPPORT OF THE FOLLOWING COUNTRIES OF VARIOUS REGIONS: ROMANIA, MALI, IVORY COAST, MAURITANIA, EGYPT, TANZANIA, VENEZUELA, SWEDEN, SWITZERLAND, SUDAN, YUGOSLAVIA, AFGHANISTAN, ALGERIA, AUSTRIA, KUWAIT, LESOTHO, LEBANON, NORWAY, TUNISIA, AND ZAIRE.

THE EMBASSY OF MEXICO, IN AGAIN REQUESTING THE UNITED STATES GOVERNMENT TO SUPPORT THE TEXT PROPOSED BY THE MEXICAN GOVERNMENT AND FURTHER REQUESTING IT TO INSTRUCT ITS DELEGATION AT GENEVA IN THIS SENSE, AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO IT THE ASSURANCES OF ITS MOST DISTINGUISHED CONSIDERATION.

WASHINGTON, D.C., APRIL 29, 1977. END TEXT. FYI:

ALTHOUGH NOT FORMALLY STAFFED, THERE IS NO SUPPORT AND
CONSIDERABLE OPPOSITION TO MEXICAN PROPOSAL IN DEPARTMENT
OF DEFENSE. END FYI. CHRISTOPHER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, HUMAN RIGHTS, DISARMAMENT, INSTRUCTIONS, POLICIES, AGREEMENT DRAFT, DIPLOMATIC NOTES, GOVERNMENT REACTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 09-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE105429
Document Source: CORE
Document Unique ID: 00
Drafter: RJBETTAUER:MERS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770165-0141
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770577/aaaacpbe.tel
Line Count: 121
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: eb6ec397-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 31-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2593676
Secure: OPEN
Status: NATIVE
Subject: DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANI- TARIAN LAW DEPT RECEIVED FOLLOWING NOTE FROM MEXICAN EMBASSY.
TAGS: PARM, PFOR, MX, US, ICRC
To: GENEVA
Type: TE
vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/eb6ec397-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

